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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fourth session

Summary record of the 314th meeting
Held at the Palais des Nations, Geneva, on Thursday, 14 April 2016, at 3 p.m.

Chair: Mr. Brilliantes

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Initial report of Turkey

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-06177 (E) 190416 200416

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Turkey (CMW/C/TUR/1; CMW/C/TUR/QPR/1)

1. *At the invitation of the Chair, the delegation of Turkey took places at the Committee table.*

2. **Mr. Çarıkçı** (Turkey), introducing his country's initial report (CMW/C/TUR/1), said that, in the 25 years since the adoption of the Convention, there had been a global upsurge in human mobility, partly owing to conflicts and other destabilizing factors. More States parties to the Convention were therefore needed to ensure greater geographical coverage and protection for migrant workers, particularly in Europe and Asia. Moreover, wider ratification of the Convention was crucial to the protection of the rights of the more than 6 million Turkish migrants working abroad, predominantly in European countries.

3. In Turkey, respect for human rights was an inviolable principle of the Constitution. Moreover, an ambitious package of reforms had been conducted over the previous 15 years, including several amendments to the Constitution and the introduction of new legislation. In particular, the landmark Act on Foreigners and International Protection set out the basic legal framework in respect of foreigners, applicants for international protection and regular and irregular migrants and had been adopted following a transparent, participatory process involving national and international stakeholders, including the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). The Directorate-General for Migration Management had been established pursuant to the Act, with responsibility for, among other activities, implementing migration-related policies and strategies and effecting procedures related to the entry, residence and exit of foreigners, the temporary protection of refugees and the protection of victims of human trafficking. Lastly, a National Action Plan on Migration and Asylum had been developed and several projects had been launched jointly with other countries to enhance the capacity and readiness of relevant institutions.

4. In the area of access to justice, several new bodies had been created, chief among them the National Human Rights Institution of Turkey, which complied with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and was in the process of upgrading its accreditation status, and the Ombudsman Institution, which was authorized to receive complaints from foreign nationals. While the Ombudsman Institution had no authority to intervene in migration-related decisions taken by an official body, it could make suggestions for a decision to be withdrawn if it found that the rights and interests of the persons concerned had been violated. Civil servants, the security forces and members of the judicial branch had all received human rights training, while awareness-raising activities had been expanded to include students, civil society and the public at large. Input from civil society organizations had been taken into careful consideration throughout the process of reform.

5. The ongoing conflict in the Syrian Arab Republic had triggered a humanitarian tragedy. More than 11 million Syrians had been compelled to flee their homes and 4.6 million had sought shelter in neighbouring countries. Turkey had maintained an "open door" policy for Syrians since 2011 and had strictly complied with the principle of non-refoulement. As a result, it was currently hosting more than 2.7 million Syrian refugees, in addition to around 300,000 Iraqis, which made it the nation hosting the highest number of refugees in the world. Turkey had thus mobilized all its resources and capabilities on behalf of the international community in order to save lives, provide Syrian refugees with a safe haven and improve their living conditions by such means as allowing them to enter the

labour market. Some 270,000 Syrians were accommodated in 26 temporary protection centres, where they were provided with food, health-care services, education, psychological support and various training and social activities. Those living outside such centres also had access to free health care and education. Despite various projects launched by the Ministry of National Education, however, educational opportunities were inadequate for more than half of the 750,000 Syrian children in Turkey. More schools, classrooms and teachers were needed.

6. The cost for Turkey of securing the well-being of Syrian refugees so far amounted to US$ 10 billion, a figure that did not include those living outside the country's temporary protection centres. Contributions from the international community had not, however, reached the amounts expected. The responsibility for coping with the Syrian humanitarian crisis could not be left to neighbouring countries alone; the international community needed to pool its efforts for the sake of a common future. Moreover, displaced persons needed more than an emergency response: they needed prospects for the future. The resettlement of Syrians, for example, thus gave the international community the opportunity to share the responsibility for Syrians more equitably.

7. The recent agreement adopted between the European Union and Turkey would be important in stemming the flow of irregular migration across the Aegean Sea. At its core was the humanitarian objective of preventing the loss of life, crushing migrant smuggling networks and replacing irregular with regular migration. On top of the already significant reduction in sea crossings since the start of 2016, there had been a dramatic decline in numbers since the agreement had entered into force. The return of irregular migrants to Turkey had begun only very recently, as had the resettlement of Syrian refugees to the European Union, which had been put into practice in accordance with the agreed "one in, one out" formula that was in compliance with international standards. It was hoped that, if effectively implemented by both parties, the agreement would quickly yield results and stop the irregular crossings entirely.

8. **Mr. Ceriani Cernadas** (Country Rapporteur), after commending the State party for its comprehensive initial report, said that the Committee recognized that Turkey faced a particularly daunting challenge as a country of origin, transit and destination. The State party was currently home to more than 2.7 million Syrian refugees, which dwarfed the numbers accepted by other neighbouring countries or the European Union. In that connection, he wished to know what measures the Government had taken to reduce and ultimately prevent the deaths of migrants and their families in Turkish waters; whether any search and rescue operations or border management strategies had been launched to staunch the number of sea crossings and drownings; and whether, and if so how, the bodies of those who had died at sea were identified and repatriated.

9. There seemed to have been a marked increase in the number of migrants and asylum seekers being held in detention and in the quantity of removal centres being constructed. In combination, those facts suggested a shift in emphasis towards the deprivation of liberty of migrants until it could be determined whether they were in an irregular situation. He therefore wished to know how many migrants had been arrested and detained in the first quarter of 2016 and whether they were held in detention centres or removal centres. Referring to the Committee's general comment No. 2 on the rights of migrant workers in an irregular situation and members of their families, he asked what alternatives to detention were available; what measures were in place to uphold a child's right not to be detained and yet remain with his or her family; how long, on average, individuals were held before either being expelled or granted permission to remain; and whether or not there was a maximum period of detention. Citing reports of substandard conditions and abusive practices in those centres, he wondered what action was taken to hold perpetrators of abuse to account and whether free legal aid was available to victims.

10. He wished to know whether civil society organizations had been consulted prior to the conclusion of the agreement with the European Union or were participating in its monitoring and whether the Government was confident that the terms and implementation of that agreement did not contravene the Convention in any way. At first glance, it appeared that the agreement focused solely on moving people around rather than finding a durable resolution. How exactly did Turkey and the European Union intend to tackle the root causes of the influx of migrants from countries such as the Syrian Arab Republic, Eritrea and Pakistan?

11. He would also be interested to hear about the process undertaken once migrants were returned to Turkey from the European Union. In particular, he wished to know whether such persons were held in detention centres or open facilities and whether they could apply for asylum or work permits upon their return to Turkey. In the same vein, he asked whether Turkey was considering withdrawing its declaration of geographical limitation to the 1951 Convention relating to the Status of Refugees; whether migrants facing expulsion could be returned to countries of origin where they might be at risk; and how the Turkish Government assessed the merits of each case and ensured that its decisions complied with the principle of non-refoulement. In that connection, he was concerned at reports that individuals, including Iraqi and Afghan nationals, were being turned back at the Syrian border, denied due process and prevailed upon to return to their own countries. Reports that security forces had fired gunshots at migrants crossing the border from the Syrian Arab Republic were also of grave concern.

12. He wondered whether an informal work relationship might not be grounds for the granting of a work permit as an alternative to the expulsion of migrant workers in an irregular situation. He also wondered whether any unaccompanied minors had been expelled from the country and whether there was a process in place or envisaged to ensure that the best interests of the child were fully taken into consideration, irrespective of his or her migrant status. Statistics on the number of expulsions, citing the reason for expulsion and disaggregated by age, sex and country of origin, would also be appreciated.

13. While the temporary protection mechanism in place for Syrian refugees was commendable, he wished to know what plans were envisaged for a solution in the medium to long term and whether the Government had considered providing such refugees with more permanent residence status and the opportunity for family reunification. As for the National Action Plan on Irregular Migration for the period 2015-2018, he wondered whether a more holistic approach might be taken by enlisting the help of key stakeholders in the areas of justice, health, education and social security.

14. **Mr. Kariyawasam** (Country Rapporteur) said that, as a candidate country for accession to the European Union, Turkey could serve as a beacon for wider ratification of the Convention in Europe. He wished to know whether the provisions of the Act on Foreigners and International Protection were in line with the Convention and where the Convention ranked in domestic law. While welcoming the move to enable Syrian refugees to join the labour market and thereby become productive members of society as migrant workers, he wondered whether they were accorded the full range of rights enshrined in the Convention, in particular trade union rights and equal treatment in respect of remuneration. He would, moreover, be interested to know how the Government ensured that the rights of domestic workers and migrant workers in an irregular situation were also safeguarded.

15. As for the large number of children born to refugees and migrant workers in Turkey, he asked what measures the State party had taken to enable the registration of births and to ensure that children could hold the nationality of their country of origin. Noting that Syrian refugees were given Turkish language lessons, he wondered whether a similar arrangement was available for all migrant workers, irrespective of their origin. Concerning work permits, he wondered whether there were plans to amend the system of sponsorship for work

permits so as to enable migrant workers to freely alter their remunerated activity. Information on the rights of seasonal workers in the country and their current situation would also be appreciated.

16. He asked what consular services were provided to Turkish migrant workers and members of their families abroad, including those in an irregular situation, and whether Turkey had entered into any bilateral agreements to ensure the recognition and transfer of social welfare and pensions. More information on how readmission agreements worked in practice for Turkish migrants who faced expulsion back to Turkey would also be welcome.

17. Although the Committee had received no reports of the phenomenon, he wondered whether child migrants were at risk of exploitation in the agricultural and textile sectors and, if so, what action the Government had taken to eliminate it.

18. There seemed to be little in the way of civil society organization participation in Turkey, which, in the light of current events, was a matter of concern. In that connection, he would be interested to know what strategies were in place to ensure full implementation of the Convention and whether a complaints mechanism was being developed with input from civil society. Lastly, he asked whether the State party intended to withdraw its reservations and declarations regarding articles 15, 40, 45 and 46 of the Convention, make the declarations provided for in articles 76 and 77 recognizing the competence of the Committee to receive individual complaints and ratify, among others, the International Labour Organization (ILO) Migration for Employment Convention, 1939 (No. 66).

19. **Ms. Landázuri de Mora** said that the State party's recent hosting of the Global Forum on Migration and Development, where wide-ranging discussions on migration-related issues had taken place between representatives of governments, international organizations and civil society organizations, was to be commended. Regarding foreign nationals alleged to have committed criminal offences in Turkey, she asked what safeguards were in place to ensure that they had access to due process, legal assistance, defence lawyers and, if necessary, interpreters. She wondered whether it was possible for an individual to serve a term of imprisonment in his or her country of origin following a criminal conviction. Regarding the large number of refugees and asylum seekers arriving in Turkey, she would be interested to know whether the Government intended to engage with the countries of origin in order to pave the way for a more lasting solution through peace talks. The experience of her own country, Ecuador, which had also faced an influx of refugees and migrants, indicated that opening a dialogue with the countries of origin was the only real avenue for achieving a long-term resolution.

20. **Ms. Dzumhur** asked whether the bill on the employment of foreigners incorporated the standards established in relevant ILO conventions. She wished to know whether the State party intended to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the International Convention for the Protection of All Persons from Enforced Disappearance.

21. She asked what was being done to promote the work of the National Human Rights Institution and the Ombudsman Institution in detention centres and how often the two institutions visited those centres. She wished to know how the State party ensured that the National Human Rights Institution operated in accordance with the Paris Principles.

22. With regard to the State party's efforts to prevent human trafficking, she would be grateful for further information on the situation as it related to gender, including data on migrants in Turkey disaggregated by sex. She wondered how the State party ensured that migrants in detention centres had contact with their families and how such migrants were provided with legal aid.

23. She asked how many persons had been readmitted under the agreement with Greece, and the more recent agreement with the European Union as a whole, and how many of those persons had been placed in detention. She would welcome further information about the practical implementation of the agreement concluded on 18 March 2016, including statistical data, and she asked whether the National Human Rights Institution was monitoring the process from a human rights perspective. Lastly, she wished to know more about the Government's cooperation with civil society and media organizations on spreading information about the Convention and the rights of migrants.

24. **Mr. Tall** said that he welcomed the adoption of the Act on Foreigners and International Protection and hoped it would serve as an example for other States parties in their efforts to protect the rights of migrant workers. He asked how the State ensured that the Act was in compliance with the Convention, whether there was any relevant case law and whether the national courts gave precedence to the Convention over the Act in the event of any discrepancy.

25. He asked whether the State party intended to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) in the near future. Noting that work permits and residence permits were separate documents in Turkey, he asked how the State handled situations in which a migrant worker held a valid work permit but an expired residence permit.

26. **Ms. Ladjel** asked whether the huge influx of migrants passing through Turkey in recent years was viewed as a phenomenon that promoted or hindered development. Noting that millions of migrants had returned to their countries of origin, she asked whether their return had been voluntary and what their motivation had been.

27. She asked whether the State party had sufficient means to temporarily house migrants in detention centres until a more permanent solution could be found, or whether it might be seen as preferable to turn people away at the border as a way of easing the pressure on those centres. Lastly, she asked whether the Government believed it might be possible to work in cooperation with neighbouring countries in the region to seek a solution to the migration issue.

28. **The Chair** noted that Turkey retained a geographic limitation to its ratification of the Convention relating to the Status of Refugees, under which only persons fleeing from events occurring in Europe were granted refugee status. He asked whether the delegation considered that limitation to be discriminatory and whether it was still implemented in practice. He asked whether the adoption of the Act on Foreigners and International Protection had resulted in any changes to the practice of restricting the movement of asylum seekers by requiring them to live in "satellite cities".

The meeting was suspended at 4.35 p.m. and resumed at 5.15 p.m.

29. **Mr. Çarıkçı** (Turkey) said that Syrian refugees were neither forced nor urged to return to Syria; those who returned did so voluntarily. The aim of the agreement concluded with the European Union on 18 March 2016 was to protect human dignity and save lives by obstructing the smugglers' business model and offering migrants an alternative to putting their lives at risk during irregular crossings. Its objective was purely humanitarian in nature.

30. Since the agreement's entry into force, the number of daily arrivals to the Greek islands had decreased dramatically. In 2015, more than 90,000 migrants in an irregular situation had been identified at sea by the Coast Guard, but those figures were now also in decline. The number of smugglers apprehended had increased from 115 in 2011 to 190 in 2015. As of 5 April 2016, a total of 52 had been apprehended in the current year.

31. Under the agreement, Turkey would take back persons in an irregular situation migrating to the European Union in exchange for the resettlement of Syrian asylum seekers in European Union countries, on a "one for one" basis. The agreement provided for, inter alia, the registration and processing of migrants arriving in the Greek islands by the Greek authorities. It was implemented in cooperation with UNHCR and in line with established vulnerability criteria.

32. A by-law adopted on 7 April 2016 provided that Syrians who had entered Turkey after April 2011, crossed irregularly to the Greek islands and then been readmitted to Turkey after the entry into force of the agreement could be granted temporary protection once again upon request. Recent media reports alleging that Turkey had forcibly returned Syrian asylum seekers had no basis in reality. For more than five years Turkey had been implementing an open door policy for Syrians fleeing the war in their country. In some provinces, Syrians outnumbered Turkish nationals.

33. Turkey highly valued international and regional cooperation on migration issues. It had recently chaired the Global Forum on Migration and Development and the Budapest Process, and it worked closely with UNHCR and other international organizations with a view to strengthening protection mechanisms for migrants and improving public perceptions of migrants. Turkey had signed readmission agreements with the European Union, the Syrian Arab Republic and a number of other countries, and further agreements were currently being negotiated.

34. Unfortunately, it was not possible to solve the current migration issue through cooperation with the Syrian regime. Given the extreme violence that it used against its own citizens, the regime was clearly not interested in cooperation. The logo of the Turkish Directorate-General for Migration Management included the image of a swallow, which was a migratory bird and represented freedom and faithfulness. Anatolia had been a land of migration and refuge for centuries, by which it had been enriched. As a country not just of transit but also of origin and destination in migration flows, Turkey was well aware of the ways in which migrants benefited the societies in which they lived.

35. **Ms. Ant** (Turkey) said that Turkey had taken extensive administrative and legal measures to combat human trafficking and to protect victims. It was a party to a number of relevant international instruments, such as the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and had amended its national legislation to bring it into line with those instruments. Until such time as a single framework law could be adopted, the Government had recently adopted regulations to serve as a legal basis for combating human trafficking. A department for the protection of human trafficking victims had also been established. The State carried out both a victim support programme and a voluntary and safe return programme for victims.

36. Shelters for female victims had been opened in three major cities in the country; there were currently 25 women staying at the shelters. A helpline for victims was operated in multiple languages, in cooperation with IOM, which had thus far led to the rescue of 182 victims. A national task force comprising representatives of government agencies and non-governmental organizations (NGOs) had been established in 2002 to combat human trafficking, and action plans on the subject had been adopted in 2003 and 2009. Sexual exploitation was the most common type of human trafficking in Turkey, most victims being from Eastern Europe or Central Asia. In 2015, a total of 119 trafficking victims had been identified, 87 of whom were women.

37. **Ms. Bilen** (Turkey) said that children born in Turkey to foreigners who had been granted temporary protection acquired the nationality of their parents at birth. Statelessness was therefore not an issue among that population group.

38. **Ms. Pekşen** (Turkey) said that asylum seekers who were deemed likely to move on from Turkey unlawfully were sent to detention centres for up to 6 months, which could be extended to 12 months if they refused to cooperate with law enforcement officials. The administrative decision to detain them was reviewed monthly. Persons held in detention centres were provided with three meals per day, comprising breakfast and two hot meals. Family rooms were provided to the extent possible. In centres where family rooms were not available, the authorities were working to improve the situation. Unaccompanied minors were not expatriated; rather, they were cared for by the Ministry of Family and Social Policies.

39. **Mr. Çarıkçı** (Turkey) said that not a single unaccompanied minor had been deported by his Government. Turkey, together with Mexico, was a main sponsor of a resolution on universal registration at birth, which it submitted to the Human Rights Council every two years.

40. **Mr. Ulutaş** (Turkey) said that foreigners convicted of a criminal offence could, upon request, be sent back to their country of origin to serve their sentence on the basis of a bilateral or multilateral agreement. If there was no such agreement with the State in question, the return could be carried out on the basis of the principle of mutuality.

41. **Mr. Kara** (Turkey) said that foreigners accused of a crime received the same treatment as accused Turkish citizens. If they did not speak Turkish, they were provided with the services of an interpreter free of charge and were informed that they had the right to choose their own legal counsel. If they could not afford legal counsel, then counsel was appointed for them free of charge. Like Turkish citizens, they could appeal a court decision against them to the Constitutional Court or the European Court of Human Rights.

42. **Mr. Ersöz** (Turkey) said that the rights of migrants working in the informal sector were respected, including the right to file a lawsuit. Those who had been granted temporary protection or who were protected under international conventions were not expelled from the country, even if they were caught working without a permit. Migrants in a regular situation participated in the labour market under the terms set out in articles 25 and 26 of the Convention and had the same rights as other workers with respect to social security, remuneration, etc. In order to obtain a work permit, domestic workers must first sign a labour contract. Such contracts were important tools for protecting workers' rights, as they guaranteed minimum standards and set out the workers' rights and remuneration in writing. Work permits also served as residence permits for the duration of their validity and there was no need to obtain a separate residence permit.

43. **Mr. Sevim** (Turkey) said that the work permit system was very liberal and was in line with European Union practices. There was no sponsorship system for foreign workers. A complaint mechanism was available to workers who believed they had been mistreated or exploited and employers who abused the system were subject to very strict penalties.

44. Turkish migrants in the European Union held almost all the same rights as European Union citizens, with just a few minor exceptions. Turkish consular services were proactive in reaching out to Turkish citizens abroad on a regular basis to inform them about their rights. Social security agreements had been signed with some 30 countries and enabled Turkish citizens to receive and transfer their pensions. They could also receive retirement benefits from the Turkish Government, even if they had never lived in the country.

45. Turkish nationals living abroad were encouraged to obtain citizenship from their country of residence. In cases where that country did not allow dual citizenship, the Turkish

Government issued the individuals with identification cards that entitled them to the same rights as Turkish citizens, apart from the right to vote and to work in the civil service. Turkish citizens who returned to the country after living abroad were exempted from paying import tariffs on vehicles and professional equipment. The Government helped Turkish citizens living abroad to establish their own businesses; it also provided education grants for their children and facilitated their enrolment in Turkish universities. Agreements were in place with many countries to prevent double taxation. Interministerial working groups had been established to assist Turkish nationals abroad and they could also seek assistance from consulate officials.

The meeting rose at 6.05 p.m.

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fourth session

Summary record of the 315th meeting
Held at the Palais des Nations, Geneva, on Friday, 15 April 2016, at 10 a.m.

Chair: Mr. Brillantes

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Initial report of Turkey (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Turkey (continued) (CMW/C/TUR/1; CMW/C/TUR/QPR/1)

1. *At the invitation of the Chair, the delegation of Turkey took places at the Committee table.*

2. **Mr. Çarıkçı** (Turkey), replying to questions raised at the previous meeting (CMW/C/SR.314), said that, in order to diversify and improve the country's consular services abroad, the Ministry of Family and Social Policies had started establishing offices outside Turkey with a view to assisting Turkish citizens abroad and evaluating social policies in their countries of residence. The Ministry of Foreign Affairs also closely monitored the problems faced by Turkish migrants abroad in order to prevent their isolation and encourage their participation in society. Consular call centres operated around the clock to support both Turkish citizens abroad and foreigners residing in Turkey in the event of emergencies, natural disasters or conflict. Its 40 staff were well informed about consular affairs and assistance was provided in five foreign languages, in addition to Turkish. Turkish nationals living in North America, Germany, Austria, the United Kingdom, the Netherlands and France were not charged an international fee for calling the centres. In late 2014, a consular automation project had been launched in order to provide faster and more efficient services and enable citizens abroad to easily locate useful information and monitor electronic passport applications online.

3. Turkey attached great importance to ensuring that all citizens could vote. A legal amendment introduced in 2012, therefore, had enabled all Turkish citizens living abroad to vote in national elections at polling stations set up in their countries of residence. They could also vote at customs offices. As a result, turnout among Turkish citizens living abroad had stood at 36 per cent in the June 2015 elections and 45 per cent in the November 2015 elections.

4. With regard to the link between migration and development, he said that the human tendency to migrate in search of education and employment was conducive to progress. If managed well, migration could contribute greatly to sustainable development through the transfer of skills and knowledge. Turkey had played an important role in ensuring that migration issues were included in the 2030 Sustainable Development Agenda, while the eighth Global Forum on Migration and Development held in Istanbul under the chairmanship of Turkey had provided an opportunity to discuss migration and sustainable development.

5. Turkey had intensified efforts to prevent irregular migration and trafficking in persons by sea and was implementing specific operations in the Mediterranean and Aegean Seas, for which €5 million were allocated monthly from the national budget. Border controls had been strengthened and special departments had been established under the Ministry of the Interior to deal with migrant smuggling. Such action greatly facilitated the identification and rescue of irregular migrants and the arrest of migrant smugglers.

6. With regard to international human right instruments, he said that his Government was continuing its internal evaluation concerning the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances. Turkey had signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in September 2012 and had started the ratification process, which had been delayed by a change in the composition of the parliament but was almost complete.

7. **Ms. Kural** (Turkey) said that, although Turkey retained its geographical limitation under the Convention relating to the Status of Refugees, whereby nationals from non-European countries could not apply for refugee status in Turkey, such persons could reside in Turkey on humanitarian grounds pending readmission to a third country.

8. **Mr. Ersöz** (Turkey) said that Turkish law did not contain a specific definition of seasonal workers, but such workers enjoyed the same rights and were subject to the same obligations as Turkish citizens. Some seasonal workers, for example those working in the tourism sector, were eligible for a work permit exemption.

9. To combat child labour, the Ministry of Labour and Social Security was cooperating with the International Labour Organization (ILO) and various other national and international organizations. The country operated a strong control network and always took immediate action to address allegations of the use of child migrant labour.

10. The Turkish Government consulted with academics and representatives from non-governmental organizations (NGOs) and the public authorities on its migration policy and had established a migration advisory board and a migration policies board. The Act on Foreigners and International Protection and the Act on Work Permits of Foreigners, which introduced a number of new rights for migrant workers, were in line with the Convention.

11. **Mr. Sevim** (Turkey) said that, following an amendment of the Act on Trade Unions and Collective Agreements to permit foreign nationals were to be founding members of trade unions, Turkey had initiated the process to ratify articles 5 and 6 of the European Social Charter. That process would be finalized shortly. The Government was working on removing its reservations to articles 15, 40, 45 and 46 of the Convention and would assess the steps to be taken in order to make the declarations provided for in articles 76 and 77. It was also looking into ratifying the ILO Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

12. Turkey implemented a policy of voluntary return for Turkish migrants abroad. Most of those who returned were retired and maintained family and administrative ties with the countries from which they had come. Turkey had signed treaties with those countries to avoid double taxation for persons with dual citizenship. Upon returning to Turkey, such people enjoyed easy access to the social security system and free, high-quality health care. The warm climate and good standard of living were the main reasons that many Turkish citizens chose to return to the country.

13. **Ms. Alp** (Turkey) said that the Ombudsman Institution was a relatively new body that received complaints from natural and legal persons, including foreigners, regardless of their administrative status. It had received 4 complaints from foreigners in 2013, 6 in 2014, 12 in 2015 and 3 since the beginning of 2016. Most had related to problems concerning visas and residence permits, the failure to obtain citizenship, the introduction of the entry ban, difficulties in lodging asylum claims, conditions in accommodation and removal centres and the requirement for refugees to reside in satellite cities. In the majority of cases, administrative action had been taken or the claims had been deemed inadmissible. Specific complaints concerning Aşkale deportation centre were also being investigated. There was a six-month deadline for the investigation of complaints and all applicants were informed in writing about the forms of legal recourse available to them, even when their claims were judged inadmissible. The Institution was a fully independent, public legal entity whose officials were elected by the Grand National Assembly. It had visited various camps and removal centres in which Syrians were being accommodated and planned to prepare a special report on Syrians under temporary protection in Turkey. Efforts were being made to increase awareness of the Institution and relevant projects were being implemented with the support of the United Nations and the European Union. She took note, with appreciation of

a suggestion made by Ms. Dzumhur concerning the distribution of information leaflets to residents of accommodation and removal centres.

14. The National Human Rights Institution also received complaints relating to human rights abuses. However, unlike the Ombudsman Institution, it was able to investigate violations without receiving a complaint. Furthermore, having been designated the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it was authorized to make unannounced visits to facilities where people were deprived of their liberty.

15. **Mr Ulutaş** (Turkey) said that all foreign nationals detained in Turkey after having committed an offence were subject to Turkish law. Under the Attorneyship Act, free legal representation was available, if necessary, to persons under temporary protection. The Act on Foreigners and International Protection stipulated that all foreign citizens against whom administrative action was to be taken should be informed of their rights and responsibilities and of the possibilities for legal recourse.

16. During the drafting of the Act, the views of the European Union Harmonization Committee and various Turkish ministries had been sought. Under the Constitution, international conventions prevailed over domestic laws. Turkey was a party to a large number of human rights conventions, which had been invoked in numerous court decisions.

17. The Association of Judicial Unity had been established as the largest association of judges and public prosecutors in Turkey and would be organizing a meeting in Istanbul in April 2016 to address issues relating to migration, human rights, rulings of the European Court of Human Rights, smuggling and trafficking. Migration research centres had been set up at various hospitals and universities and a large number of academic articles relating to migration had been published.

18. **Mr. Kara** (Turkey) said that, under the Code of Criminal Procedure, deceased persons were usually identified by a relative or another person who knew them. An autopsy could then be conducted by a team of experts in the presence of a representative of the Ministry of Justice and a judge. Autopsies could also be conducted by physicians. If a person's body had to be disinterred, a court decision was required and the person's relatives had to be informed. All the proceedings were recorded on video. In civil cases, the identification procedure was identical for Turkish and foreign citizens.

19. **Ms. Bilen** (Turkey), replying to a question relating to cooperation and coordination on migration management, said that the Act on Foreigners and International Protection had established various temporary bodies such as the Migration Advisory Board, the Coordination Board on Combating Irregular Migration and committees to evaluate migratory flows and draw up migration policies. Those bodies included representatives from academia, the public sector and NGOs. There was also an international protection assessment commission, which included members of the Ministries of Justice and Foreign Affairs and was chaired by the Directorate-General of Migration Management. A peer-reviewed journal on Turkish migration studies was published by a migration research centre and academics and persons working in the field held joint conferences on a monthly basis.

20. Under the Directive on Removal Centres, centre residents were provided with three free meals a day and personal hygiene equipment. Prior to admission, they were given a medical examination and a health report was issued. Efforts were made to ensure that children remained with their families and children's playgrounds had been set up at a number of centres. Unaccompanied children were held at facilities established by the Ministry of Family and Social Affairs and their best interests were always taken into account.

21. People living in removal centres had the legal right to consult a lawyer, use the telephone, receive visitors and apply to the authorities in their countries of origin and the best interests of children were always observed. Measures had been taken to improve the quality and capacity of removal centres and such efforts would continue under the new Removal Centres Project.

22. The Act on Foreigners and International Protection referred to "harmonization" rather than "integration" or "assimilation" and called for mutual understanding and voluntary interaction between migrants and the rest of society. It aimed to ensure that migrants were able to gain easy access to the labour market and social support mechanisms and thus play an active part in Turkish society. In that regard, she drew attention to the Harmonization Strategy Paper and National Action Plan that had been developed in cooperation with the International Organization for Migration.

23. The temporary protection of Syrians in Turkey was not subject to a time restriction. Measures were being taken to reunite Syrian families in Turkey.

24. The Act on Foreigners and International Protection had been drafted with the full participation of civil society. According to the Act, persons under international protection could be subject to administrative obligations such as compulsory residence in a specific location.

25. **Mr. Öksüz** (Turkey) said that education was available without discrimination to all foreign nationals. Syrian and Iraqi refugees were provided with formal and non-formal education in temporary education centres. Classes were taught in their mother tongues in order to bridge the education gap they faced as a result of conflict in their countries of origin and to help them maintain cultural ties with those countries. Turkish language classes were also provided to ensure their social harmonization. There was no gender-based discrimination in the education system and the majority of teachers were women.

26. **Mr. Ceriani Cernadas** (Country Rapporteur) said that the State party was to be congratulated on its efforts to save migrants attempting to reach Greece by sea and highlighted the need for international cooperation in that regard. He asked what steps had been taken to strengthen maritime search and rescue services and what forms of cooperation had been established with other countries on the issue of the identification of corpses and the subsequent notification of family members.

27. Information on the average length of detention of migrants in removal centres would be welcome. He asked whether detainees in such centres had access to free legal assistance in practice, whether the lawyers providing such assistance had received training on questions of asylum, the right to liberty and the Convention and whether they operated within removal centres. He asked whether there had been cases in which such lawyers had helped detainees to lodge appeals against detention with the criminal courts of peace and, if so, whether those appeals had been successful, whether migrant families with children were placed in open facilities rather than removal centres and if not, whether removal centres were equipped with play areas for children and whether child protection agencies maintained a permanent presence in such establishments.

28. He asked whether unaccompanied children housed in open child-protection facilities could obtain a renewable residence permit on humanitarian grounds or be allocated a guardian, whether civil society organizations could enter detention facilities and, if so, whether they had to fulfil any requirements prior to entry.

29. He also asked whether migrants returned to Turkey under an agreement with the European Union were informed of their right to seek asylum in Turkey, whether they could apply for a residence permit and whether they were taken to removal centres or reception facilities.

30. He wished to know what role civil society bodies had played in the preparation and implementation of an agreement with the European Union on the return of irregular migrants, whether implementation by Turkey of the Convention relating to the Status of Refugees was limited by nationality of origin and whether persons with temporary protection status could apply for refugee status. He asked whether Syrian refugees applying for work permits must first obtain a job offer or contract, whether such permits were automatically issued to persons with temporary protection status and whether it were true that, since early 2016, the Turkish authorities had been directly refusing entry to displaced persons at the border with Syria. Lastly, he asked whether an investigation had been carried out into allegations that 16 Syrian nationals had been shot dead by the Turkish security forces at the Ras al-Ain border crossing between January and March 2016.

31. **Mr. Kariyawasam** (Country Rapporteur), after commending the high level of expertise displayed by the delegation of Turkey, said that, when preparing the Act on Foreigners and International Protection, the Turkish authorities should have drawn more extensively on the Convention. He asked what efforts had been made to disseminate information on the Convention, both within Turkey and among the Turkish diaspora, and to provide training and information on the instrument in different languages. He asked whether irregular migrant workers could regularize their situation under the Irregular Migration Strategy Paper and National Action Plan.

32. Information on any measures taken to prevent gender-based violence and to investigate and stamp out corruption among immigration and police officials would be welcome. It was important to collect detailed data on the status of irregular migrants, disaggregated by sex, age, nationality and status. The Committee had been informed that school dropout rates among Syrian migrant children over the age of 8 years were extremely high and he asked what measures had been taken to remedy that situation. He also asked what was being done to regulate and monitor the activities of private recruitment agencies and to prevent them from hiring irregular migrant workers. He asked whether it was true that victims of trafficking in persons were sometimes prosecuted or whether such victims were offered protection by the national authorities. Any future national action plan on migration management should take the Convention into account.

33. **Mr. Tall** asked the members of the delegation for their views on the distressing plight of irregular migrants in transit through Turkey, as highlighted in the media. He read several excerpts from a book by Mr. Arthur Frayer-Laleix on that subject entitled *Dans la peau d'un migrant — De Peshawar à Calais, enquête sur le "cinquième monde"* (In a migrant's shoes — From Peshawar to Calais, an investigation into the "fifth world") and drew attention to the difficulties faced by African women subjected to sexual abuse at the hands of Turkish employers. He asked what measures had been taken to maintain appropriate services to deal with questions concerning international migration of workers and to exchange information, consultation and cooperation with the competent authorities of other States parties involved in such migration. Information on appeals against detention orders and the suspension of expulsion orders pending appeal would be welcome.

34. **Ms. Dicko** asked whether there was a specific body competent to issue licences to and monitor the activities of private recruitment agencies and, if so, whether that body could also withdraw licences. She would also welcome information on Turkish migrant workers resident abroad, particularly in Africa, and on the sectors in which they worked.

35. **Ms. Dzumhur** said that the State party should provide information on domestic legislation relating to access to legal aid for migrant workers. Unlike the Ombudsman Institution, the Human Rights and Equality Institution had not been set up in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) because its members were not elected by the legislative branch. She asked why the Human Rights and Equality Institution had been made the national preventive mechanism, given that, under the Optional Protocol to the Convention against Torture, such mechanisms should be independent. She asked which of the two bodies had a mandate to accept appeals and complaints from Turkish citizens and migrants alike, to raise the issues of the constitutionality and the alignment with relevant international standards of legislation on issues relating to migrants and to raise procedural issues with the courts, in order to avoid cases having to be taken to the European Court of Human Rights.

36. **Ms. Ladjel** asked to what extent the national security services were involved in preventing violence against migrant women and children.

37. **The Chair** said that he would welcome information on the amount of aid received by Turkey in order to fund relief work targeting displaced persons.

The meeting was suspended at 12.15 p.m. and resumed at 12.40 p.m.

38. **Mr. Çarikçi** (Turkey) said that Günter Grass had written a book about the experiences of Turkish migrant workers in Germany entitled *Ganz unten* (Lowest of the Low), which addressed themes similar to those raised in the book referred to by Mr. Tall. Media reports on the situation of migrants in Turkey were not always reliable. Despite being faced by a major influx of displaced persons at a time of heightened tension, Turkey had not adopted a security-based approach to immigration.

39. The Committee members had failed to raise the important issues of stereotyping, Islamophobia, xenophobia and racism in the context of the current refugee crisis. In Europe, migrants and refugees were being portrayed as both a security issue and an ideological threat and were being denied international protection as a result. Global inequalities and economic disparity lay at the heart of the large-scale movement of migrants and must be addressed through enhanced international cooperation and the effective realization of all human rights. Reports of shootings on the border with Syria were completely untrue. Despite setting global migration management standards when dealing with the influx of displaced persons from Syria and receiving praise from high-ranking United Nations officials and foreign politicians for its actions in that regard, the Turkish Government had been criticized by other parties, who could themselves do much more to address the issue. It was only in 2015 that the international community had begun to take an interest in the plight of migrants attempting to cross the Aegean Sea. Turkey had taken in millions of displaced persons and was providing maritime search and rescue services over a huge area. The United Nations Special Rapporteur on the human rights of migrants, Mr. François Crépeau, had said that the only way to reduce migrant smuggling was to take over the market by offering regular, safe and cheap mobility solutions.

40. Significant efforts had recently been made to strengthen the Human Rights and Equality Institution and an application for its accreditation had been made to the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, which would consider the issue at its May 2016 session. A revised version of the law founding the Institution had recently been enacted, strengthening that body's institutional capacity and establishing a number of regional offices.

41. **Mr. Ulutaş** (Turkey) said that a central coordination and cooperation unit had been set up within the Ministry of Justice to coordinate efforts, in close cooperation with local prosecutor's offices, to identify the corpses of migrants. Procedures and methods for dealing with the deaths of foreign nationals were set out in a general directive of 31 October 2011. Turkey was party to the Vienna Convention on Consular Relations and implemented article 37 of that instrument on information in cases of death. Following autopsies on foreign nationals, the relevant consulate was notified. Furthermore, as a party to the International Arrangement concerning the conveyance of corpses, Turkey shared information on corpse identification and autopsies with the other parties to that instrument, made use of the latest scientific techniques and cooperated with the International Criminal Police Organization (INTERPOL) in that regard. Turkey cooperated fully with the European Court of Human Rights; the number of cases involving Turkey before that body had fallen from 16,800 to fewer than 8,000. According to his information, Turkey ranked fortieth out of the 47 Council of Europe member States in the number of applications pending before the European Court of Human Rights, with 0.21 applications per 10,000 inhabitants in 2014. As of 23 September 2012, individual applications could be lodged with the Constitutional Court. The European Court of Human Rights had issued a related decision on 14 May 2013 in the case of *Hasan Uzun v. Turkey* confirming that right.

42. **Ms. Manav** (Turkey) said that Act No. 6284 on the protection of the family and the prevention of violence against women was in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence and made provision for action against perpetrators by police officials, public prosecutors and the courts. Victims of such violence were not prosecuted and were not discriminated against on the grounds of nationality. No legal action was taken against the victims of trafficking in persons.

43. **Mr. Ersöz** (Turkey) said that labour inspectors, other public officials and police officers carried out inspections of workplaces to check that employers were not employing irregular migrant workers and could impose administrative sanctions, issue fines and even close down establishments. Displaced persons wishing to obtain a work permit were required to have been registered in Turkey for at least six months beforehand and to have a temporary protection certificate, could work in the city where they had been granted permission to reside, could apply for jobs or become self-employed and had the same rights and responsibilities as Turkish nationals under domestic labour and social security legislation. The Labour Agency of the Ministry of Labour and Social Security was responsible for monitoring the activities of recruitment agencies and issuing sanctions where necessary.

44. **Mr. Sevim** (Turkey) said that, in 2013, there had been 1,225 Turkish nationals in Gabon, 846 in Guinea, 1,854 in Libya and 1,131 in Algeria. Previously, there had been more than 20,000 Turkish citizens resident in Libya, mainly working in the construction sector. The number of Turkish workers resident in Africa and the Arab Gulf States was expected to rise in the future.

45. **Mr. Çarikçi** (Turkey) said that all the questions on migration management had been answered. To date, Turkey had spent US$ 10 billion on the refugee crisis from its own funds and had received only US$ 462 million from the international community for that purpose. The European Union had undertaken to provide €3 billion for future projects targeting displaced Syrian nationals, along with a further €3 billion once the first tranche of financial aid had been exhausted.

46. **Mr. Ceriani Cernadas** said that he was grateful to the delegation of Turkey for the information that it had provided in the limited time made available to it. Full implementation of the Convention by Turkey would serve to encourage other countries.

47. **Mr. Çarikçi** (Turkey) said that the questions and comments of the Committee members had been duly noted and would serve as a basis for the analysis by his Government of national efforts to implement the Convention.

48. **The Chair** said that the dialogue with the delegation of Turkey had been a fruitful one, providing insights into the situation of migrant workers in Turkey and Turkish migrant workers resident abroad. He commended the Turkish authorities for their efforts to implement the Convention and encouraged them to take measures to address the Committee's recommendations, once they had been issued.

The meeting rose at 1.05 p.m.